

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EMMANUEL CHAPLAIN,

Defendant.

)
)
)
)
)
)
)
)
)
)

CASE NO. 8:14CR409

TENTATIVE FINDINGS

The Court has received the 2nd Revised Presentence Investigation Report and Addendum ("PSR"), and the Defendant's objections (Filing No. 243). The government adopted the PSR (Filing No. 246.) See Amended Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

Accordingly,

IT IS ORDERED:

1. The Court takes judicial notice of the evidence presented at trial and specifically finds that the evidence was sufficient to support the jury verdicts on all counts, as well as the sentencing enhancements and the calculation of restitution reflected in the PSR;

2. Defendant's Objections to Presentence Investigation Report (Filing No. 243) are overruled to the extent they challenge whether the evidence presented at trial was sufficient to support the jury verdicts on all counts, as well as the sentencing enhancements and the calculation of restitution reflected in the PSR, and to the extent they seek to strike or modify the government's version of the case;

3. Remaining objections asserted by the Defendant in Filing No. 243 will be heard at the sentencing hearing;

4. The Court intends to adopt the PSR in all other respects;

5. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

6. Absent submission of the information required by paragraph 3 of this Order, these tentative findings are final; and

7. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 6th day of June, 2016.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge